

**PRELIMINARY DETERMINATION
NOTICE OF INTENDED REGULATORY ACTION**

***DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF PSYCHOLOGY***

18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology

ITEM 1: LEGAL AUTHORITY THE REGULATION

Chapters 967 and 1005 of the 1999 Acts of the Assembly provide a specific mandate for the **licensure of school psychologists-limited** and for the Board to license upon review of credentials and payment of an application fee in accordance with regulations of the Board. (See attached copy of enrolled version of SB 1199)

Chapter 24 of Title 54.1 of the Code of Virginia establishes the general powers and duties of health regulatory boards including the responsibility to promulgate regulations in accordance with the Administrative Process Act which are reasonable and necessary and the authority to levy and collect fees that are sufficient to cover all expenses for the administration of a regulatory program.

§ 54.1-2400. General powers and duties of health regulatory boards.--The general powers and duties of health regulatory boards shall be:

- 5. To levy and collect fees for application processing, examination, registration, certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the Department of Health Professions, the Board of Health Professions and the health regulatory boards.*
- 6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ 54.1-100 et seq.) and Chapter 25 (§ 54.1-2500 et seq.) of this title.*

ITEM 2: POTENTIAL ISSUES TO BE ADDRESSED

Since the statute is very specific in its mandate, there are few, if any, issues to be addressed in the development of regulations. The qualifications for licensure and the limitation on practice are set forth in the amendments to § 54.1-3606. The Board will have to determine appropriate application and renewal fees for this new category of licensure.

No preliminary regulatory language has been developed; the agency will develop an application process and fees consistent with the statutory mandate for licensure.

ITEM 3: REASONING FOR THE CONTEMPLATED REGULATION

Regulations for the licensure of school psychologists-limited by the Board will be adopted in accordance with amended provisions of § 54.1-3606.

Since the legislation mandating such licensure included an enactment clause directing the Boards of Education and Medical Assistance Services to promulgate regulations within 280 days, the Board of Psychology intends to act as expeditiously as possible on the development of these regulations. The intent of the legislation cannot be implemented until those persons, currently employed in the public school system and thereby exempt from licensure, can be licensed by the Board of Psychology to practice in a limited setting. The Board cannot act on licensure, as mandated by the statute, until it has regulations in place for the required review of credentials and payment of an application fee for school psychologists-limited.

The Boards of Education and Medical Assistance Services must have regulations in place by January 12, 2000. As close to that date as possible, the Board of Audiology and Speech-Language Pathology intends to have final regulations in effect for licensure of school speech-language pathologists.

ITEM 4: ALTERNATIVES CONSIDERED

There are no alternatives to be considered in the development of regulations establishing qualifications for licensure of school psychologists-limited. The Board is mandated to license persons licensed by the Board of Education with an endorsement in psychology and a master's degree in psychology. In order for the Board to carry out its statutory responsibility to "issue licenses to such persons without examination, upon review of credentials," regulations will establish an application process to include the submission of certain documentation for review.

The Board will consider alternatives in establishing the necessary fees for applying for licensure and renewal of such a license. Alternatives would include the establishment of the same fees that are currently applicable to other licensees of the Board or slightly lower fees, in recognition of the limited nature of the license and scope of practice.